Camp Lick Project

Heritage Report

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for:
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Malheur National Forest

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Introduction

The purpose of this report is to analyze the effects of the proposed activities on cultural resources in the Camp Lick planning area. The Camp Lick Project includes all National Forest System (NFS) lands administered by the Blue Mountain Ranger District that are within the designated boundary for this project.

Regulatory Framework

Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, is the foremost legislation that governs the treatment of cultural resources during project planning and implementation. Implementing regulations that clarify and expand upon the NHPA include 36 Code of Federal Regulations (CFR) 800 (Protection of Historic Properties), 36 CFR 63 (Determination of Eligibility to the National Register of Historic Places), and 36 CFR 296 (Protection of Archaeological Resources).

The Pacific Northwest Region of the Forest Service, the Advisory Council on Historic Preservation (ACHP), and the Oregon State Historic Preservation Office (SHPO), signed a programmatic agreement regarding the management of cultural resources on National Forest System lands in 2004. The agreement outlines specific procedures for the identification, evaluation, and protection of cultural resources during proposed activities.

The National Environmental Policy Act (NEPA) is also a cultural resource management directive as it calls for agencies to analyze the effects of their actions on socio-cultural elements of the environment. Laws such as the National Forest Management Act (NFMA) of 1976, the Archaeological Resources Protection Act (ARPA) of 1979, the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, and Executive Order 13007 (Indian Sacred Sites) also guide Forest Service decision-making as it relates to heritage. The American Indian Religious Freedom Act (AIRFA) of 1978 requires that federal agencies consider the impacts of their projects on the free exercise of traditional Indian religions.

The Malheur National Forest Land and Resource Management Plan (Malheur Forest Plan) (USDA Forest Service 1990), as amended, tiers to the previously-mentioned laws and corresponding Forest Service manual direction as it sets forth resource management goals, objectives, and standards. Forest-wide management standards that are pertinent for this project include:

- Conduct a professionally supervised cultural resource survey on National Forest lands to identify cultural resource properties. Use sound survey strategies and the Malheur National Forest Cultural Resource Inventory Survey Design (USDA Forest Service 1990, Forest-wide standard 14, page IV-25).
- Consider the effects of all Forest Service undertakings on cultural resources. If a National Register and historic property is affected, eligibility considerations shall include the formulation and analysis of alternatives, and the examination of interactions and impacts among cultural resources and other resource uses. Coordinate the formulation and evaluation of alternatives with the State cultural resource plan, the SHPO and State Archaeologist, other State and Federal agencies, and traditional and religious leaders of Native American Indian groups and tribes (USDA Forest Service 1990, Forest-wide standard 15, page IV-26).

- Evaluate the significance of sites by applying the criteria for eligibility to the National Register of Historic Places (USDA Forest Service 1990, Forest-wide standard 19, page IV-26).
- Protect National Register and eligible properties from human impacts and natural destruction (USDA Forest Service 1990, Forest-wide standard 21, page IV-26).

Resource Elements, Indicators, and Measures

The resource element used in analyzing the effects of the proposed alternatives on historic properties is the assessment of natural and cultural impacts to those qualities of historic properties that contribute to eligibility for listing on the National Register of Historic Places (NRHP). The affected resources to be measured are the historic properties located within the area of potential effect, or planning area. Analysis methods are directed by Section 106 of NHPA and its implementing regulation 36 CFR part 800. Section 106 directs all agencies to take into account the effects of their undertakings (actions) on historic properties included on, eligible or potentially eligible for listing on the NRHP.

Issue Statement

Overall, historic properties in the planning area are in good condition. Project design criteria (PDCs) should be followed in order to avoid or minimize potential direct and indirect impacts to historic properties.

Table 1. Resource elements, indicators and measures for assessing effects

Resource element	Resource indicator	Measure	Source
Historic property condition	Extent of observable impacts	Would impacting an eligible or potentially eligible site affect qualities that contribute to eligibility for listing on NRHP?	NHPA, 36 CFR Part 800, 2004 PA Stipulation V. A & B

Information Sources

- Existing site records and inventory reports from previous Section 106 inventories in the planning area.
- Results from site inspection and surveys conducted in support of the current Section 106 inventory.

Historic Property Condition

Affected Environment

Existing Condition

A total of 20 cultural resource inventories were previously conducted within the boundary of the planning area. The Cultural Resource Inventory Report for the Camp Lick planning area is in the process of being completed and will be sent to the State Historic Preservation Office (SHPO) for review.

These surveys have resulted in the discovery of 43 historic properties within the planning boundary and include 17 historic sites, 17 prehistoric sites, and eight multicomponent sites with both historic and prehistoric components. Sixteen sites are deemed eligible for inclusion on the

National Register of Historic Places, nine sites are considered not eligible, and 19 are undetermined.

Most prehistoric lithic scatters in the planning area are less than 5 acres in size with a low density of debitage (flakes produced during the manufacture and maintenance of stone tools) and tools. There are several exceptions: sites 06040400216/35GR365 and 06040400146/35GR184 are lithic assemblage sites with a relatively high density of debitage and/or a large number of formed tools. Artifact densities and flake types suggest these sites were lithic reduction stations likely associated with resource gathering activities (hunting and plant gathering). Time diagnostic projectile points recovered at sites in the planning area suggest use over much of the late archaic-historic period (Justice 2002).

The information value of these lithic scatter sites is primarily provided by the analysis of the debitage and flaked tool fragments. Debitage, cores, and fragments of tools broken during manufacture can provide information about tool manufacturing strategies and types of tools being manufactured at the site. Completed tools and tool fragments can provide evidence of resource procurement and processing activities which took place at or near the site. Artifact retouch, use wear, and impact fractures can provide additional information on resource processing activities. Time diagnostic projectile points provide good indications of the general periods of use of the site. Geochemical analysis of obsidian artifacts can identify the source of the raw material, which can help determine resource catchment areas and potential trade or travel routes. Obsidian hydration analysis can provide relative dating of artifacts.

Ground stone implements are rare on the Malheur National Forest and one possible example has been documented in the Camp Lick planning area. One bedrock mortar site (06040301013/35GR1297) was recorded in the planning area, providing evidence of food processing activities. Organic remains are seldom preserved and identifiable features are rare with none reported at sites in the planning area. The shallow volcanic soils are prone to erosion and mixing, and the soil acidity and the mechanics of freeze/thaw cycles lead to rapid decomposition of organic materials. Lithic analysis can provide significant, but incomplete information concerning site function.

Historical documents, ethnographic data, and the archaeological record provide insight into historical activities that occurred in the planning area. Known historic sites demonstrate that the planning area was used for mining, ranching, Forest Service administration, and timber harvest. Refuse scatters, structural remains, and miscellaneous mining features are likely associated with the mining and settlement history of the planning area. Site 06040301906 (formerly known as 06040300377) illustrates the use of the planning area for mining activities. Identified mining features include ditches, tailing piles, sluice box remains, and log structure remains of unknown use.

The area also provides evidence of recorded historic era range and spring developments, including stock driveways, associated dendroglyphs, corrals, log troughs, and spring boxes. Archaeological remains of log troughs (06040300044) and fence remains also suggest use and Forest Service administrative activities. The O'Rourke Dump (06040300938), associated with the O'Rourke Ranch, which is located on nearby private property, suggests year-round historic use of the planning area for ranching and homesteading ventures.

Evidence of timber harvesting activities are also noted in the planning area. Many features associated with logging and the timber industry are visible in the archaeological record as grades, refuse dumps, and structural remains. A section of the Middle Fork Spur of the Sumpter Valley

Railroad (06040301010) and a portion of Oregon Lumber Company Railroad grade and trestle remains (06040300220) are also located in the planning area. Additionally, located within the planning area are the remains of an Oregon Lumber Company railroad logging camp (06040300233) and an Oregon Lumber Company reload location and steam donkey shed (06040300249). The Middle Fork spur was initially constructed as a portion of the Sumpter Valley Railroad and later became a proprietary of the Oregon Lumber Company (Tonsfeldt 1986:1: Ferrel 1967:13). The Sumpter Valley Railroad was the "parent company" of the Oregon Lumber Company (Tonsfeldt 1986:2). The Middle Fork spur was constructed along the Middle Fork John Day River (MFJDR), beginning construction near Bates and continuing northwest to the confluence of the MFJDR and Camp Creek.

Preliminary results of the Camp Lick cultural survey have identified two new cultural sites, both prehistoric. The details of the two new sites will be included in the cultural inventory report being completed for the Oregon SHPO.

The Cultural Resource Inventory Report for the Camp Lick planning area is in the process of being completed and will be sent to the Oregon State Historic Preservation Office for review.

Desired Condition

Desired conditions for historic properties within the planning area include the following:

- That all federal actions/undertakings are in compliance with the provisions of the National Historic Preservation Act (NHPA).
- That site condition is assessed and monitored.
- Mitigation measures to preserve needed integrity are implemented.
- Future opportunities to engage in public education and/or the interpretation of historic properties are identified and recommended under Section 110 of the NHPA.

Environmental Consequences

This section of the report consists of a non-quantitative analysis of the direct, indirect, and cumulative effects of the proposed project activities on cultural properties and resources in the planning area.

A project is considered to have an adverse effect on historic properties when it results in the alteration of characteristics that qualify the property for the National Register of Historic Places (NRHP). The cultural properties that have been identified within the Camp Lick planning area are eligible or potentially eligible (evaluation is based on ability to yield scientific information; this is important to studies of prehistory and history needed to determine NRHP status). Therefore, proposed activities that modify the patterning of surface or buried archaeological deposits are considered to result in an adverse effect.

Methodology

Cultural resource identification efforts in the vicinity of the Camp Lick planning area have focused on two primary types of resources: pre-contact archaeological and historic period archaeological sites. Places that may support resources of contemporary tribal interest (i.e., culturally significant plant locations) were also considered.

In accordance with the National Historic Preservation Act of 1966, National Environmental Policy Act of 1969, Executive Order 11593, and Forest Service Manual Chapters 2361 and 2363, a pre-field investigation and subsequent archaeological survey was performed for the proposed

Camp Lick Project in an attempt to locate all visible cultural resource sites that may be eligible for nomination to the National Register of Historic Places and could potentially be impacted by the undertaking.

The Malheur National Forest Inventory Plan (Thomas 1991) stipulates that a survey design will be completed for inventories using stratified probability zones. The Forest uses a GIS-based probability model based on the criteria provided in the inventory plan.

Incomplete and Unavailable Information

Cultural resource surveys are designed to evaluate areas most likely to contain historic properties. These areas are identified through predictive modeling (Thomas 1991). The ability to identify archaeological sites can be limited by environmental factors and ground visibility. In addition, the model cannot account for all past human behavior, and archaeological sites are occasionally found in low probability areas. There may be cultural resources within the project area that have not been identified. If archaeological sites are identified during project implementation they would be documented, evaluated, and protected.

Spatial and Temporal Context for Effects Analysis

Under the National Historic Preservation Act (NHPA), the Area of Potential Effect (APE) for this undertaking includes the entire planning area. The APE will be used as the boundary for analysis of direct, indirect, and cumulative effects. Cultural resources are localities within the Forest utilized by people both in the past, present, and future. Due to the nature of cultural resources, the temporal context for direct, indirect, and cumulative effects analysis is long-term.

Past, Present, and Foreseeable Activities Relevant to Cumulative Effects Analysis

All of the past, present, and reasonably foreseeable activities disclosed have or had the potential to effect historic properties in the planning area. The primary past activities affecting historic properties include grazing, logging, and fire suppression projects which occurred before the implementation of the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA) in the mid-1970s. Present or current activities affecting historic properties include: grazing, logging, fire suppression projects, and aquatic restoration activities. Present or current actions and reasonably foreseeable future actions would be mitigated by utilizing project design criteria (PDCs) to avoid adverse effects. Additionally, potential mitigation alternatives would be developed in coordination with the affected resource specialist, North Zone Heritage staff, and SHPO office. All activities listed in the Camp Lick FEA Appendix E – Past, Ongoing, and Reasonably Foreseeable Actions were considered for cumulative effects.

Project Design Criteria and Mitigation Measures

Historic properties within the Camp Lick planning area that are eligible or potentially eligible for listing on the National Register of Historic Places (NRHP) would be protected from adverse impacts caused by undertakings described under the proposed action.

Project design criteria (Table 2) would be followed in order to minimize potential impacts to historic properties in the Camp Lick planning area.

Site avoidance is the preferred method of protecting the integrity of sites eligible for listing on the National Register of Historic Places (NRHP) and those with undetermined NRHP eligibility.

Table 2. Project design criteria for historic resources

Criteria number	Objective	Design criteria	Areas, units, or activity type	Responsible person
Heritage-1	Protect heritage resources	The archaeological sites within the Camp Lick project area that are eligible or potentially eligible for listing on the National Register of Historic Places will have minimal (or insignificant) direct or indirect effects caused by harvest activities, road activities, and other proposed actions. Other management actions that may have potential to impact archaeological sites will be assessed on a case by case basis.	All project activities	Heritage specialist, affected resource specialists, COR, sale administrator
Heritage-2	Protect heritage resources	If during project activities cultural material is encountered, all work will cease immediately and a Forest Service Archaeologist will be contacted to evaluate the inadvertent discovery. A mitigation plan, if needed, will be developed in consultation with the Oregon SHPO.	All project activities	Heritage specialist, affected resource specialists, COR, sale administrator
Heritage-3	Protect heritage resources in harvest areas	A “no effect” determination will apply in areas where archaeological sites and commercial logging activities coincide, as long as the sites are avoided completely or over-snow logging protocols are implemented (refer to Aquatic and Watershed Design Features and Best Management Practices, Section D for over-snow logging protocols).	Timber harvest units	Sale administrator, heritage specialist
Heritage-4	Protect historic properties in harvest and prescribed burning areas	There will be no slash piling, either by hand or ground-based machines, within archaeological site boundaries. Burning of slash is preferred to be conducted outside site boundaries. If burning of slash is necessary, however, the project lead must check with the Heritage specialist for concurrence regarding historic sites, rare isolates, and/or features.	Slash piling and burning	Sale administrator, heritage specialist, burn boss
Heritage-5	Protect historic properties in harvest and prescribed burning areas	All eligible and potentially eligible (unevaluated) historic properties with structural remains or other combustible feature types will be avoided or protected during all burning activities. Eligible historic remains will be identified on the ground and proper protection measures will be conducted during the burning activities.	All project activities	Fuels specialist, heritage specialist
Heritage-6	Protect historic properties in prescribed burning areas	Low intensity burning that will have little to no effect on pre-contact lithic assemblages is permitted under the terms of the Management Strategy for the Treatment of Lithic Scatter Sites (Keyser et al. 1988).	Prescribed burning	Fuels project lead, heritage specialist
Heritage-7	Landings	Landings will not be located within 100 feet of known cultural resource sites.	Timber harvest units	Sale administrator, heritage specialist

Criteria number	Objective	Design criteria	Areas, units, or activity type	Responsible person
Heritage-8	Protect historic properties proximate to proposed tree tipping areas	Potential tree-tipping locations will be inspected by a Heritage specialist prior to implementation to determine the presence of historic properties. Known archaeological sites will be flagged for avoidance and no activities will occur on site. If during project activities cultural material is encountered, all work will cease immediately and the Blue Mountain District Archaeologist will be contacted to evaluate the inadvertent discovery. Specialist should provide exact locations of tree tipping activities, as Heritage implementation monitoring is required post ground disturbing activities.	Timber harvest or restoration thinning units	Aquatics specialist, heritage specialist
Heritage-9	Protect historic properties from mechanical impacts in harvest areas	Locations where equipment would cross railroad grades and other linear cultural resources will be coordinated with a Heritage specialist, prior to implementation. Linear cultural resources, if crossed, are to be crossed perpendicularly (at a 90-degree angle) to reduce impacts. Any linear cultural resource crossed will be rehabilitated following implementation (refer to Aquatic and Watershed Design Features and Best Management Practices, Section H-1 for best management practices regarding historic mining linear cultural resources).	Project activities utilizing heavy equipment	Sales administrator, heritage specialist

Alternative 1 – No Action

Direct and Indirect Effects

The no action alternative, by definition, would result in no direct or indirect effects on the existing conditions of the historic properties identified within the Camp Lick planning area.

The no action alternative would not reduce fuel loads across the landscape. This would result in the continued threat of severe or moderately severe wildfire, which would not contribute to the long-term stability of historic properties. Severe wildfires would have effects to historic properties, including contact with flames, severe heat, smoke, and/or suppression activities. These effects have the potential to alter, destroy, and otherwise negatively affect historic properties. Possible additional outcomes include erosion, unstable watersheds, increased tree mortality, increased burrowing rodent and insect populations, and increased possibilities for looting. These effects have the potential to alter, destroy, relocate, remove, and otherwise negatively affect historic properties.

Cumulative Effects

By definition, cumulative effects (40 CFR 1508.7) result from the action alternatives, and thus are not germane to the no action alternative. Because there would be no direct or indirect effects, no cumulative effects would occur. All of the past, present, and reasonably foreseeable activities disclosed have or had the potential to effect historic properties in the planning area. The most significant past activities affecting historic properties include grazing, logging, and fire suppression projects which occurred before the implementation of the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA) in the mid-1970s. Present or current activities affecting historic properties include grazing, logging, fire suppression, and aquatic restoration activities. Reasonably foreseeable future actions would be mitigated by utilizing project design criteria (PDCs) to avoid adverse effects.

Alternative 2 – Proposed Action

Direct and Indirect Effects

A project is considered to have an adverse effect on historic properties when it results in the alteration of characteristics that qualify the property for the National Register of Historic Places (NRHP). The historic properties that have been identified within the Camp Lick planning area are eligible or potentially eligible (evaluation is based on ability to yield scientific information; this is important to studies of prehistory and history needed to determine NRHP status). Therefore, proposed activities that modify the patterning of surface or buried archaeological deposits are considered to result in an adverse effect.

The majority of the proposed activities, including silviculture treatments, riparian and upland watershed restoration treatments, prescribed burning and unplanned ignitions, road activities, interpretive sign installation, and range fence construction, are expected to have no, or extremely minor, direct effects on all known historic properties within the planning area as long as the project design criteria (PDCs) in Table 2 are followed. In most cases, eligible or unevaluated historic properties would be avoided or properly mitigated throughout the lifetime of any of the proposed activities. In the instance in which implementation of a proposed activity would not avoid a historic property, mitigation for the action would require additional consultation with the State Historic Preservation Office.

Under alternative 2, there is potential to cause minor effects to documented prehistoric sites that are subjected to low intensity heat during implementation of prescribed burning activities. Proposed activities (exposure to low and high intensity heat) may also have the potential to cause minor and major effects to previously undocumented historic properties. If during project activities cultural material is encountered, all activities would cease immediately and a Forest Service heritage specialist would be contacted to evaluate the discovery.

Unanticipated discoveries and/or known sites may be protected before implementation occurs by rerouting if it is determined there is potential to adversely affect the historic property. Consultation with the State Historic Preservation Office, Indian tribes, and other interested parties is required to determine measures to avoid, minimize or mitigate the adverse effect according to the Programmatic Agreement or 36 CFR Part 800 regulations.

Potential habitat for plants of historic importance to regional groups of Native Americans may be enhanced by treatments. As the fuel load is reduced via specific silviculture, activity fuels, and prescribed burning treatments, habitat of native plant populations like huckleberry would potentially be improved.

An additional indirect effect may result by reducing the accumulations of fuels through silviculture treatments, activity fuels treatments, and prescribed burning and unplanned ignitions proposed with this project. This would reduce the severity of potential wildfires and would enhance the long-term stability of archaeological and historic resources within areas in and adjacent to the Camp Lick Project.

Cumulative Effects

With the implementation of project design criteria there is minimal risk of additional effects to historic properties associated with alternative 2. Potential impacts might occur from ongoing and foreseeable future actions, such as prescribed burning, thinning, livestock grazing, and wildfire

suppression and rehabilitation activities. Impacts would be mitigated by utilizing project design criteria, therefore resulting in minimal risk of additional effects to historic properties.

Effects to areas important to regional groups of Native Americans may be cumulative with past and future management of vegetation for the same reason discussed in alternative 2 direct and indirect effects. Future actions, designed to improve huckleberry habitat, would have a positive effect to areas important to regional groups of Native Americans.

Compliance with Forest Plan and Other Relevant Laws, Regulations, Policies and Plans

The legal framework that mandates the Forest to consider the effects of its actions on cultural resources is wide-ranging. Compliance with relevant laws and directives, outlined in the regulatory framework section, is achieved for the proposed actions by participating in review of project undertakings by the SHPO, following established programmatic agreements, implementing project design criteria, and adhering to established best management practices.

In this case, Section 106 of the National Historic Preservation Act (NHPA) of 1966 (amended in 1976, 1980, and 1992) is the foremost legislation that governs the treatment of cultural resources during project planning and implementation. Implementing regulations that clarify and expand upon the NHPA include 36 CFR 800 (Protection of Historic Properties), 36 CFR 63 (Determination of Eligibility to the National Register of Historic Places), and 36 CFR 296 (Protection of Archaeological Resources). The Pacific Northwest Region (Region 6) of the Forest Service, Advisory Council on Historic Preservation (ACHP) and the Oregon State Historic Preservation Office (SHPO) signed a programmatic agreement (PA) regarding the management of cultural resources on National Forest System lands in 2004. The 2004 PA outlines specific procedures for the identification, evaluation, and protection of cultural resources during activities or projects sponsored by the Forest Service. It also establishes the process that the SHPO utilizes to review Forest Service undertakings for NHPA compliance.

The National Environmental Policy Act (NEPA) is also a cultural resource management directive, as it calls for agencies to analyze the effects of their action on socio-cultural elements of the environment. Laws such as the National Forest Management Act (NFMA) of 1976, the Archaeological Resources Protection Act (ARPA) of 1979, the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, and Executive Order 13007 (Indian Sacred Sites) also guide Forest Service decision-making as it relates to heritage resources. The American Indian Religious Freedom Act (AIRFA) of 1978 requires that federal agencies consider the impacts of their projects on the free exercise of traditional Indian religions. The Malheur Forest Plan (USDA Forest Service 1990), as amended, tiers to the previously-mentioned laws and corresponding Forest Service manual direction as it sets forth resource management goals, objectives, and standards.

Other Relevant Mandatory Disclosures

Many of the previously described laws, regulations, and directives instruct the Forest Service to consult with American Indian tribes, the state, and other interested parties on cultural resource management issues. This consultation is ongoing through the NEPA process and under the terms of existing agreements with American Indian Tribes. To date, there have been no concerns raised during scoping regarding the effects of proposed activities on historic properties. Documentation of compliance with the NHPA is being prepared for referral to the Oregon SHPO in accordance with the 2004 PA, and consultation with that agency will be completed prior to project implementation.

Monitoring

In review of proposed activities and historic property locations, there are treatment units which contain resources of heritage concern and require avoidance, inspection, and/or post-implementation monitoring. Proposed project locations that coincide with unevaluated or eligible archaeological resources are Freedom of Information Act (FOIA) exempt from public disclosure. When this information is shared (with affected resource specialists, fuels specialists, aquatics specialists, contracting officer's representative, and timber sale administrator) to address heritage concerns, it would be held internally under the discretion of the North Zone Archaeologist and the District Ranger. This is to protect sensitive locational information from disclosure. This approach would help mitigate the potential of adverse effects during project implementation while protecting against releasing information to the public that is FOIA exempt.

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